

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Christopher Lindell Foye Jr.

Docket No. 4:17-CR-68-1H

Petition for Action on Supervised Release

COMES NOW Jay Kellum, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Christopher Lindell Foye Jr., who, upon an earlier plea of guilty to Possession With the Intent to Distribute More Than 5 Grams of Cocaine Base, in violation of 21 U.S.C. § 841(a)(1), was sentenced by the Honorable Glen E. Conrad, U.S. District Judge for the Western District of Virginia, on July 22, 2008, to the custody of the Bureau of Prisons for a term of 188 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 48 months. On January 13, 2010, the term of imprisonment was reduced to 113 months pursuant to Rule 35(b).

Christopher Lindell Foye Jr. was released from custody on November 16, 2017, at which time the term of supervised release commenced in the Eastern District of North Carolina.

Jurisdiction was transferred to the Eastern District of North Carolina on December 27, 2017.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On December 21, 2017, the defendant submitted to a urinalysis screening, which was confirmed positive by Alere Laboratories for cocaine and marijuana. On January 3, 2018, the defendant was confronted with the results from the urinalysis, at which time he admitted to the use of marijuana and cocaine. The defendant has been placed in the Surprise Urinalysis Program and has scheduled an appointment for his substance abuse assessment on January 8, 2018.

It should be noted that the defendant submitted to a urinalysis on November 21, 2017, which was confirmed positive for marijuana by Alere Laboratories; however, when confronted with these results, the defendant admitted to using marijuana prior to the onset of his supervised release.

Nevertheless, as a sanction for the violation conduct, it is respectfully recommended that the defendant serve a 2-day jail term and participate in the DROPS program, beginning at the second use level.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days; The defendant shall begin the DROPS Program in the second use level.
2. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 2 days, as arranged by the probation office and shall abide by all rules and regulations of the designated facility.

Christopher Lindell Foye Jr.
Docket No. 4:17-CR-68-1H
Petition For Action
Page 2

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

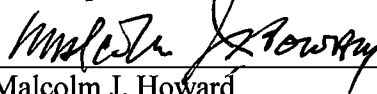
I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Robert L. Thornton
Robert L. Thornton
Supervising U.S. Probation Officer

/s/ Jay Kellum
Jay Kellum
U.S. Probation Officer
200 Williamsburg Pkwy, Unit 2
Jacksonville, NC 28546-6762
Phone: 910-346-5109
Executed On: January 4, 2018

ORDER OF THE COURT

Considered and ordered this 8th day of January 2018, and ordered filed and
made a part of the records in the above case.



Malcolm J. Howard
Senior U.S. District Judge